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AUG 31 2009

OFFICE OF PETITIONS

In re Application of	:	
Josef Baumgartner et al.	:	
Application No. 10/566,011	:	ON PETITION
Filed: January 25, 2006	:	
Attorney Docket No. 2003P0850WOUS	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of October 8, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time were obtained. Accordingly, the date of abandonment of this application is January 9, 2009. A Notice of Abandonment was mailed on April 22, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination), with the required fee of \$810, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2618 for processing of the RCE and any action that is required by the Examiner in the normal course of business.

A handwritten signature in black ink, consisting of a stylized 'C' followed by a long horizontal stroke.

Carl Friedman
Petitions Examiner
Office of Petitions